

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PHOENIX LIGHT SF DAC, BLUE HERON
FUNDING V LTD., BLUE HERON FUNDING VI
LTD., BLUE HERON FUNDING VII LTD., BLUE
HERON FUNDING IX LTD., C-BASS CBO XIV
LTD., C-BASS CBO XVII LTD., KLEROS
PREFERRED FUNDING V PLC, SILVER ELMS
CDO PLC and SILVER ELMS CDO II LIMITED,

Plaintiffs,

-against-

DEUTSCHE BANK NATIONAL TRUST COMPANY
and DEUTSCHE BANK TRUST COMPANY
AMERICAS,

Defendants.

No. 14-cv-10103-JGK

COMMERZBANK AG,

Plaintiff,

-against-

DEUTSCHE BANK NATIONAL TRUST COMPANY
and DEUTSCHE BANK TRUST COMPANY
AMERICAS,

Defendants.

No. 15-cv-10031-JGK

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, Statement of Undisputed Facts Pursuant to Rule 56.1 of the Local Civil Rules for the Southern District of New York, and Declaration of Jay S. Handlin, with exhibits, Plaintiffs Phoenix Light SF DAC, Blue Heron Funding V Ltd., Blue Heron Funding VI Ltd., Blue Heron Funding VII Ltd., Blue Heron Funding IX Ltd., C-BASS CBO XIV Ltd., C-BASS CBO XVII Ltd., Kleros Preferred

Funding V PLC, Silver Elms CDO PLC, and Silver Elms CDO II Limited (collectively, “PL”) and Commerzbank AG (“CB”; together with PL, “Plaintiffs”), will move this Court before the Honorable John G. Koeltl, at the courthouse located at 500 Pearl Street, Courtroom 12B, New York, New York, for an order granting Plaintiffs’ request for partial summary judgment.

PLEASE TAKE FURTHER NOTICE that pursuant to the Court’s Scheduling Order dated October 11, 2018, the opposition to Plaintiffs’ motion by Defendants Deutsche Bank National Trust Company and Deutsche Bank Trust Company Americas shall be filed no later than January 18, 2018. Plaintiffs’ reply in support of this motion shall be filed no later than February 8, 2018.

Dated: December 7, 2018
New York, New York

By: /s/ Jay S. Handlin

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